

AN ORDINANCE **9 8 8 4 0**

CLOSING, VACATING AND ABANDONING AN IMPROVED 0.6274 OF AN ACRE PORTION OF CANTRELL STREET LOCATED BETWEEN AVIATION BOULEVARD (DRAINAGE CHANNEL) AND I.H. 35 SOUTH ADJACENT TO NCBS 13981, 13982 AND 9503, IN COUNCIL DISTRICT 4, AS REQUESTED BY H.B. ZACHRY COMPANY FOR THE CONSIDERATION OF \$151,191.00 AND THE ADDITIONAL CONSIDERATION OF TITLE TO APPROXIMATELY 2.35 ACRES OF PROPERTY NEARBY WORTH \$100,000.00 ACCEPTED FROM H.B. ZACHRY COMPANY, AS ITS CONTRIBUTION TOWARD DRAINAGE IMPROVEMENTS TO SIX MILE CREEK.

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WHEREAS, the H.B. Zachry Company, ("Petitioner"), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved 0.6274 of an acre portion of Cantrell Right of Way ("Subject Property") located between Aviation Boulevard (Drainage Channel) and I.H. 35 South adjacent to NCBS 13981, 13982 and 9503 to create one contiguous tract of land for possible development in the future; and

WHEREAS, the City has also agreed to accept as additional consideration, title to approximately 2.35 acres of property that is valued at \$100,000.00 which will be H. B. Zachry Company's contribution towards drainage improvement the Six Mile Creek Project; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of February 11, 2004 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on February 12, 2004, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved 0.6274 of an acre portion of Cantrell Street public right-of-way ("Subject Property") located between Aviation Boulevard (Drainage Channel) and I.H. 35 South adjacent to NCBS 13981, 13982 and 9503, is hereby declared surplus to the needs of the City of San Antonio and is closed, vacated and abandoned as City of San Antonio public right-of-way, as requested by H.B. Zachry Company, the abutting property owner, as Petitioner, and such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating and abandoning is contingent on the Petitioner's complying with the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

SECTION 3. The City accepts title from H.B Zachry Company by Special Warranty Deed of a approximately 2.35 acres of property, in the vicinity of the portion being closed, which is


valued at \$100,000.00 which will be H. B. Zachry Company's contribution towards the Six Mile Creek Drainage Improvement Project. The Special Warranty Deed will be tendered to the City by H. B. Zachry Company after all of the terms of the collaborative agreement for drainage improvements upon Six Mile Creek are satisfied.

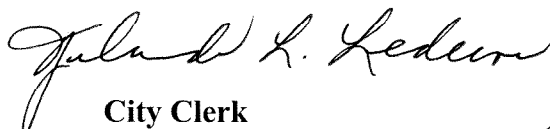
SECTION 4. The City Manager or her designee is hereby authorized to execute any and all legal documents if and only if deemed necessary by the City Attorney's Office, to facilitate the closing of this property and acceptance, of title to the 2.35 acres referenced in **SECTION 3**. Should a Special Warranty Deed not be executed within 45 days from the effective date of this Ordinance, the authority granted herein shall expire.

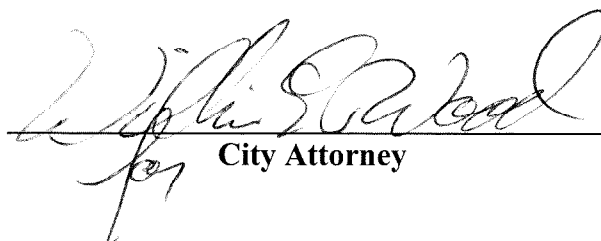
SECTION 5. No funds will be encumbered with this ordinance.

SECTION 6. This ordinance shall be effective on the 22nd day of February 2004.

PASSED AND APPROVED this 12th day of February, 2004.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney